

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ANGEL VASQUEZ,	:	No. 3:22cv762
Plaintiff	:	
	:	(Judge Munley)
v.	:	
	:	(Magistrate Judge Carlson)
UNITED STATES, et al.	:	
Defendants	:	

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ORDER

Presently before the court is the Report and Recommendation (“R&R”) of Magistrate Judge Martin C. Carlson recommending that the defendants’ motion to dismiss and motion for summary judgment be granted and this case be dismissed with prejudice for failure to prosecute. (Doc. 34). No objections to the R&R have been filed and the time for such filing has passed.

In deciding whether to adopt the report and recommendation when no timely objection is filed, the court must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(b), 1983 Advisory Committee Notes (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation”); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, Magistrate Judge Carlson cogently applied the Poulis factors in recommending the dismissal of plaintiff's action with prejudice for failure to prosecute. See Poulis v. State Farm Fire and Cas. Co., 747 F.2d 863, 868 (3d Cir.1984). The court thus finds neither clear error on the face of the record nor a manifest injustice, and therefore, the court shall accept the R&R and adopt it in its entirety. It is hereby **ORDERED** as follows:

- 1) The R&R (Doc. 34) is **ADOPTED** in its entirety;
- 2) Defendants' motion to dismiss and/or motion for summary judgment (Doc. 29) is **GRANTED**;
- 3) Plaintiff's action is **DISMISSED** with prejudice for failure to prosecute; and
- 4) The Clerk of Court is directed to close this case.

Date: 4/8/24

BY THE COURT:



JUDGE JULIA K. MUNLEY
United States District Court